

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

60

Lindner

U.S.C.A. # 11 - 3594

-v-

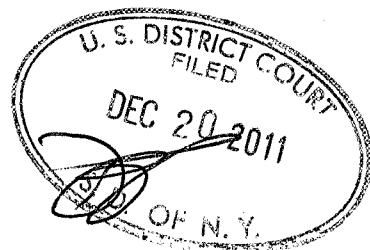
U.S.D.C. # 10 - cv - 2228

American Express Company

JUDGE : Jed S. Rakoff

DATE : December 20, 2011

NOTICE TO THE DOCKET CLERK



(1ST) SUPPLEMENTAL INDEX

The record in the above entitled case was indexed to the U.S.C.A. for the Second Circuit on the 20TH Day of December, 2011.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Lindner

U.S.C.A. # 11 - 3594

-v-

U.S.D.C. # 10 - cv - 2228

American Express Company

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1ST SUPPLEMENTAL INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) : THOMAS R. PISARCZYK
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NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION DOC. #

1. <u>SUPPLEMENTAL CLERK'S CERTIFICATE</u>	<u>- -</u>
2.	_____
3. <u>** SEE ATTACHED DOCKET SHEET **</u>	_____
4.	_____
5. <u>** ONLY CIRCLED DOCUMENTS ARE SUPPLEMENTED **</u>	_____
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Lindner U.S.C.A. # 11 - 3594
-v- U.S.D.C. # 10 - cv - 2228
American Express Company JUDGE : Jed S. Rakoff
DATE : December 20, 2011

1ST SUPPLEMENTAL CLERK'S CERTIFICATE

I, Ruby J. Krajick, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified extract of the docket entries and the original filed papers numbered _____ Through _____, inclusive, constitute the Supplemental record on appeal in the above entitled proceedings.

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 20TH Day of December In this year of our Lord, Two Thousand and Eleven, and the Independence of the United States this 236TH year.

Ruby J. Krajick, Clerk
By _____
Deputy Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Lindner U.S.C.A. # 11 - 3594
-v- U.S.D.C. # 10 - cv - 2228
American Express Company JUDGE : Jed S. Rakoff
DATE : December 20, 2011

EXTRACT OF DOCKET ENTRIES

DATE	DOCUMENT DESCRIPTION
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SUPPLEMENTAL CLERK'S CERTIFICATE

**** SEE ATTACHED DOCKET SHEET ****

**** ONLY CIRCLED DOCUMENTS ARE SUPPLEMENTED ****

Ruby J. Krajek, Clerk
By _____
Deputy Clerk

CLOSED, APPEAL, PRO-SE

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-02228-JSR -JLC

Lindner v. American Express Company
Assigned to: Judge Jed S. Rakoff
Referred to: Magistrate Judge James L. Cott
Case in other court: US. Court of Appeals, Second Circuit, 11-03594
Cause: 28:131 Federal Question: Other Civil Rights

Date Filed: 03/15/2010
Date Terminated: 08/23/2011
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
03/15/2010	<u>1</u>	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Loretta A. Preska on 3/11/10) (rdz) (ama). (Entered: 03/29/2010)
03/15/2010	<u>2</u>	COMPLAINT against American Express Company. Document filed by Peter Lindner.(rdz) (ama). (Entered: 03/29/2010)
03/15/2010		SUMMONS ISSUED as to American Express Company. (rdz) (Entered: 03/29/2010)
03/15/2010		Magistrate Judge James L. Cott is so designated. (rdz) (Entered: 03/29/2010)
03/31/2010	<u>3</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). Referred to Magistrate Judge James L. Cott. (Signed by Judge Jed S. Rakoff on 3/30/2010) (tve) (Entered: 03/31/2010)
07/16/2010	<u>4</u>	ORDER No proof of service of the summons and complaint has been filed to date. If service is not made by 8/13/10, or if no application is made in writing by such date to extend the time for service showing good cause for the failure to serve, this action may be dismissed without prejudice. Mr. Lindner is required to provide prompt written notice, both to the Pro Se Office and my chambers, about any change of his address. Failure to do so may result in dismissal of this action. (Service due by 8/13/2010.) (Signed by Magistrate Judge James L. Cott on 7/15/10) Copies sent by Chambers(cd) (Entered: 07/16/2010)
08/18/2010	<u>5</u>	ORDER: Accordingly, leave to serve and file an amended complaint is granted. The Court notes, however, that since Plaintiff has served the original complaint upon Defendant (and has done so in other litigations as well), Plaintiffs familiar with effecting service upon this particular defendant. Therefore, no further extensions shall be granted. Should Plaintiff fail to file and serve the amended summons and complaint by September 13, 2010, I will recommend to the district court that this action be dismissed without prejudice pursuant to Rule 4(m) (Signed by Magistrate Judge James L. Cott on 8/17/2010) Copies Mailed By Chambers. (js) (Entered: 08/18/2010)
08/18/2010		Set Deadlines/Hearings: Amended Pleadings due by 9/13/2010. (js) (Entered: 08/24/2010)
08/31/2010		AMENDED SUMMONS ISSUED as to American Express Company. (mbe) (Entered: 09/03/2010)
08/31/2010	<u>6</u>	AMENDED COMPLAINT amending 2 Complaint against American Express Company, Ken Chenault, Ash Gupta, Stephen Norman, Louise M. Parent with JURY DEMAND.Document filed by Peter Lindner. Related document: 2 Complaint filed by Peter Lindner.(mbe) (Entered: 09/07/2010)
10/05/2010	<u>7</u>	NOTICE OF APPEARANCE by Douglas M. Kraus on behalf of American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent (Kraus, Douglas) (Entered: 10/05/2010)
10/05/2010	<u>8</u>	NOTICE OF APPEARANCE by Joseph N. Sacca on behalf of American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent (Sacca, Joseph) (Entered: 10/05/2010)
10/15/2010	<u>9</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. American Express Company served on 9/30/2010, answer due 10/21/2010. Service was made by mail. Document filed by Peter Lindner. (mro) (Entered: 10/18/2010)
10/15/2010	<u>10</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Ash Gupta served on 9/30/2010, answer due 10/21/2010. Service was made by mail. Document filed by Peter Lindner. (mro) (Entered: 10/18/2010)
10/15/2010	<u>11</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Louise M. Parent served on 9/30/2010, answer due 10/21/2010. Service was made by mail. Document filed by Peter Lindner. (mro) (Entered: 10/18/2010)
10/15/2010	<u>12</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Ken Chenault served on 9/30/2010, answer due 10/21/2010. Service was made by mail. Document filed by Peter Lindner. (mro) (Entered: 10/18/2010)
10/20/2010	<u>13</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Berkshire Hathaway Inc. as Corporate Parent. Document filed by American Express Company. (Received in the night deposit box on 10/20/10 at 9:31pm) (mro) (Entered: 10/21/2010)
10/20/2010	<u>14</u>	MOTION to Dismiss the Plaintiff's Amended Complaint. Document filed by American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent. (Received in the night deposit box on 10/20/10 at 9:31pm)(mro) (Entered: 10/21/2010)
10/20/2010	<u>15</u>	MEMORANDUM OF LAW in Support re: 14 MOTION to Dismiss. Document filed by American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent. (Received in the night deposit box on 10/20/10 at 9:31pm) (mro) (Entered: 10/21/2010)
10/20/2010	<u>16</u>	DECLARATION of Joseph N. Sacca in Support re: 14 MOTION to Dismiss. Document filed by American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent. (Received in the night deposit box on 10/20/10 at 9:31pm) (mro) (Entered: 10/21/2010)
10/21/2010	<u>17</u>	REQUEST FOR ESI FROM ADVERSARY. Document filed by Peter Lindner. (mbe) (Entered: 10/29/2010)
10/27/2010	<u>18</u>	MOTION (REQUEST) for Conference on Discovery. Document filed by Peter Lindner.(mro) (Entered: 11/02/2010)
10/28/2010	<u>19</u>	MEMORANDUM OF LAW in Opposition to plaintiff's Motion to Compel Discovery. Document filed by American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent. (Received in the night deposit box on 10/28/10 at 7:27 pm) (mro) (Entered: 11/02/2010)
11/02/2010	<u>20</u>	ORDER: On October 21, 2010, plaintiff Peter Lindner filed a motion to compel discovery. Defendants American Express Company, CEO Ken Chenault, Banking President Ash Gupta, and General Counsel Louise Parent opposed Mr. Lindner's request by memorandum dated October 28, 2010. By letter dated November 1, 2010, Mr. Lindner requests, among other things, an extension of time to file a reply. Mr. Lindner's request for an extension of time is GRANTED. He is directed to file a reply to Defendants' opposition to the motion to compel by Friday, November 5, 2010. All

		other requests in Mr. Lindner's November 1, 2010 letter are DENIED. (Signed by Magistrate Judge James L. Cott on 11/2/2010) "Copies Faxed By Chambers" (ae) Modified on 11/10/2010 (ae). (Entered: 11/02/2010)
11/02/2010		Set Deadlines/Hearings: Replies due by 11/5/2010. (ae) (Entered: 11/02/2010)
11/02/2010	<u>21</u>	MOTION (REQUEST) for Extension, for Good Faith discussions with adversary and for an Order on setting the record straight on defendant stopping communications to S.E.C. Document filed by Peter Lindner.(mro) (Entered: 11/05/2010)
11/04/2010		Acknowledgment Mailed: Pro Se litigant acknowledgment of request for extension mailed to the plaintiff via USPS to the address noted on the Complaint on 11/4/2010. (kj) (Entered: 11/04/2010)
11/09/2010	<u>22</u>	MEMORANDUM AND ORDER: Accordingly, Mr. Lindner's request that the Court compel Defendants to produce discovery is DENIED without prejudice. Should any claims survive the motion to dismiss, the Court will enter a discovery schedule at that time. (As per Chambers request this Order terminates motions 18 & 21). (Signed by Magistrate Judge James L. Cott on 11/8/2010) Copies Mailed By Chambers. (jfe) (Entered: 11/12/2010)
11/23/2010	<u>23</u>	MEMO ENDORSEMENT on Request for Extension on Responding to Amex Motion To Dismiss to 12/9/10 and reply papers to 12/23/10. ENDORSEMENT: So Ordered. (Signed by Magistrate Judge James L. Cott on 11/23/10) (cd) (Entered: 11/23/2010)
11/23/2010		Set/Reset Deadlines as to 14 MOTION to Dismiss. Response due by 12/9/2010. Reply due by 12/23/2010. (cd) (Entered: 11/23/2010)
12/08/2010	<u>25</u>	ENDORSED LETTER addressed to Magistrate Judge James L. Cott from Joseph N. Saccia dated 12/6/2010 re: Counsel will advise Your Honor promptly upon receiving notice of the SEC Staff's action. Counsel respectfully request that further briefing on Defendants' motion to dismiss be held in abeyance. ENDORSEMENT: So Ordered. (Signed by Magistrate Judge James L. Cott on 12/8/2010) (jfe) (Entered: 12/08/2010)
12/14/2010	<u>26</u>	ENDORSED LETTER addressed to Magistrate Judge James L. Cott from Peter Lindner, dated 12/9/2010, re: Counsel writes: I wish to have Your Honor throw out the Memo of Law as being untimely, and have my opposition be considered anew, and have the Discovery commence immediately. ENDORSEMENT: Plaintiff's request that Defendants' motion to dismiss be stricken is DENIED. Plaintiff's request that the Court lift the stay of discovery, as ordered on November 8, 2010, is also DENIED. Plaintiff's request provides no basis for the Court to reconsider its 11/8/10 Memorandum and Order. Finally, Plaintiff's request for sanctions is DENIED. SO ORDERED. (Signed by Magistrate Judge James L. Cott on 12/13/2010) (lnl) (Entered: 12/14/2010)
12/14/2010	<u>27</u>	RESPONSE to Amex Motion and Discarding Surreptitious Memo of Law. Document filed by Peter Lindner. (mbe) (Entered: 12/15/2010)
01/21/2011	<u>28</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Stephen Norman served on 12/6/2010, answer due 12/27/2010. Service was accepted by Ms. Flores, clerk. Document filed by Peter Lindner. (mro) (Entered: 01/25/2011)
01/28/2011	<u>29</u>	ORDER. IT IS HEREBY ORDERED that Plaintiff's opposition to the Motion to Dismiss must be filed and served no later than February 10, 2011; and IT IS FURTHER ORDERED that reply papers, if any, must be filed and served no later than February 15, 2011. Absent extraordinary circumstances, these dates will not be extended. (Responses due by 2/10/2011. Replies due by 2/15/2011.) (Signed by Magistrate Judge James L. Cott on 1/28/2011) Copies Mailed By Chambers. (rjm) (Entered: 01/28/2011)
02/16/2011	<u>33</u>	ENDORSED LETTER addressed to Magistrate Judge James L. Cott from Joseph N. Saccia dated 2/16/2011 re: We write to inform Your Honor that we do not oppose Mr. Lindner's application and to request that Defendants be allowed seven days from the date of service of Mr. Linder's opposition papers to file a reply. ENDORSEMENT: Given the extraordinary circumstances that have befallen plaintiff according to his February 11, 2011 request for an extension, and that defendants do not oppose his application, plaintiff's request is GRANTED. his opposition papers will be due March 14, 2011, and any reply papers will be due March 21, 2011. No further extensions will be granted. (Signed by Magistrate Judge James L. Cott on 2/16/2011) (jpo) (Entered: 02/16/2011)
03/15/2011	<u>35</u>	PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS. Document filed by Peter Lindner. (mro) (Entered: 03/16/2011)
03/18/2011	<u>36</u>	ORDER: Pro se Plaintiff Peter Lindner has submitted a document to the Court entitled "Plaintiff's Request for a Pre-Motion Conference or an Actual In Person Conference" dated March 17, 2011. He apparently seeks to raise the issue of whether attorneys for the defendants intended to deceive the Court, in violation of the New York State Judiciary Laws. Counsel for Defendants, by letter dated March 18, 2011, contends that these allegations have been previously raised and rejected before Judges Koeltl and Stein in prior cases brought by Plaintiff. The request for a pre-motion conference is denied at this time. The issues raised by Plaintiff do not appear to relate to the claims pending in this action. The Court reserves the right to reconsider the request once it has reviewed Defendants' motion to dismiss this action, which will be fully briefed as of March 21, 2011. (Signed by Magistrate Judge James L. Cott on 3/18/2011) Copies Mailed By Chambers. (tro) (Entered: 03/18/2011)
03/18/2011	<u>40</u>	MOTION for a pre-motion conference or an actual in person conference. Document filed by Peter Lindner.(mbe) (Entered: 03/28/2011)
03/21/2011	<u>37</u>	MEMORANDUM OF LAW in Support of the American Express Defendants' Motion to Dismiss Plaintiff's Amended Complaint. Document filed by American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent. (mbe) (Entered: 03/22/2011)
03/21/2011	<u>38</u>	REPLY DECLARATION OF JOSEPH N. SACCA IN SUPPORT MOTION TO DISMISS. Document filed by American Express Company, Ken Chenault, Ash Gupta, Louise M. Parent. (mbe) (Entered: 03/22/2011)
03/22/2011	<u>42</u>	REPLY to Defendants' Response for Plaintiff's request for a Pre-motion conference or an actual in person conference. Document filed by Peter Lindner. (mbe) (Entered: 04/01/2011)
03/28/2011		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 3/28/2011. (ab) (Entered: 04/04/2011)
03/31/2011		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 3/31/2011. (mbe) (Entered: 04/07/2011)
04/04/2011		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 4/4/2011. (lnl) (Entered: 04/08/2011)
04/12/2011	<u>43</u>	MOTION to overrule, reconsideration or for Court to Act Sua Sponte. Document filed by Peter Lindner.(mbe) (Entered: 04/14/2011)
04/19/2011	<u>44</u>	ORDER: Notwithstanding the Court's instructions, on April 12, 2011 plaintiff filed a Motion to Overrule, Reconsider or for Court to Act Sua Sponte." Plaintiff's motion is denied, and the Clerk of the Court is directed to close item number 43 on the docket of this case. Plaintiff also made subsequent phone calls to the Court, requesting, among other things, that the Court reconsider its Order and immediately entertain oral argument. These requests are denied, and no further phone applications from plaintiff will be entertained. (Signed by Judge Jed S. Rakoff on 4/15/2011) (jpo) (Entered: 04/19/2011)
05/02/2011	<u>45</u>	ORDER, that on April 28, 2011, pro se Plaintiff Peter Lindner submitted a "Motion to Place Split Off Out-of-Court Settlement in Stock Escrow Account" and a supporting memorandum of law. Plaintiff submitted a revised motion, entitled "Motion to Place Settlement Funds in Escrow Pending Appeal," on April 29. The motion is denied. The issues raised by Plaintiff do not appear to relate to the claims pending in this action. Any application for relief must be made to the presiding judge in the earlier action. Additional relief as set forth in this Order. (Signed by Magistrate Judge James L. Cott on 5/2/11) Copies Mailed By Chambers. (pl) (Entered: 05/02/2011)

05/02/2011	<u>48</u>	MOTION TO PLACE SPLIT OFF OUT-OF-COURT SETTLEMENT IN STOCK ESCROW ACCOUNT. Document filed by Peter Lindner.(mbc) (Entered: 05/13/2011)
06/27/2011	<u>49</u>	REPORT AND RECOMMENDATIONS: For the reasons stated herein, I recommend that the Court grant Defendants' motion to dismiss Lindner's claims relating to the 2011 meeting for lack of subject matter jurisdiction. The Court should also dismiss those claims because American Express properly excluded Lindner's proposal and nomination under SEC Rules and, in any event, the claims are now moot because the meeting has already taken place. The Court should grant Defendants' motion to dismiss Lindner's remaining claims, as those allegations relate to the 2006 Action. The Court should also dismiss sua sponte all claims against Defendant Norman. FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW. Objections to R&R due by 7/14/2011 (Signed by Magistrate Judge James L. Cott on 6/27/2011) (jpo) (Entered: 06/27/2011)
06/27/2011		Motion No Longer Referred: re: 14 MOTION to Dismiss. filed by Louise M. Parent, American Express Company, Ash Gupta, Ken Chenault. (ae) (Entered: 08/19/2011)
08/19/2011	<u>50</u>	ORDER: Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses the action with prejudice. In addition, because plaintiff has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as plaintiff's claims lack any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3) i see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). Clerk to enter judgment. (Signed by Judge Jed S. Rakoff on 8/15/2011) (js) (Entered: 08/19/2011)
08/19/2011		Transmission to Judgments and Orders Clerk. Transmitted re: <u>50</u> Order Adopting Report and Recommendations,,, to the Judgments and Orders Clerk. (js) (Entered: 08/19/2011)
08/22/2011	<u>57</u>	PLAINTIFF'S MOTION for Reconsideration of Order to Dismiss without conference nor argument. Document filed by Peter Lindner.(tro) (Entered: 09/21/2011)
08/22/2011	58	PLAINTIFF'S REQUEST for Revisiting in full Possible violation of NY Judiciary 487 by Defendants with Extreme Urgency. Document filed by Peter Lindner.(tro) (Entered: 09/21/2011)
08/23/2011	<u>51</u>	ORDER: Having done so, the Court finds itself in complete agreement with Magistrate Judge Cott's Report and Recommendation. Accordingly, the Court reaffirms in all respects its August 15, 2011 Order dismissing the action in its entirety. In addition, because plaintiff has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. Plaintiff is instructed that any further submissions to the Court would be improper and will not be considered by the Court. (Signed by Judge Jed S. Rakoff on 8/20/2011) (tro) (Entered: 08/23/2011)
08/23/2011	<u>52</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated August 15, 2011, the report is adopted, and the action is dismissed with prejudice; in addition, because plaintiff has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue; moreover, the Court certifies that any appeal from the Order dated August 15, 2011 would not be taken in good faith, as plaintiff's claims lack any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. (Signed by Clerk of Court Ruby Krajick on 8/23/11) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 08/24/2011)
08/23/2011		Transmission to Docket Assistant Clerk. Transmitted re: <u>52</u> Clerk's Judgment,,, to the Docket Assistant Clerk for case processing. (ml) (Entered: 08/24/2011)
08/23/2011		Mailed notice of Right to Appeal re: <u>52</u> Clerk's Judgment, to Pro Se Litigant(s): Peter Lindner and to Attorney(s) of Record: Joseph N. Sacca, Douglas M. Kraus. (jab) (Entered: 08/25/2011)
08/23/2011	<u>54</u>	NOTICE OF APPEAL from <u>50</u> Order Adopting Report and Recommendations, <u>52</u> Clerk's Judgment, <u>51</u> Order. Document filed by Peter Lindner. (tp) (Entered: 08/30/2011)
08/23/2011		Appeal Remark as to <u>54</u> Notice of Appeal filed by Peter Lindner. \$455.00 APPEAL FEE DUE. IFP REVOKED 8/24/11. COA DENIED 8/24/11. (tp) (Entered: 08/30/2011)
08/25/2011	<u>53</u>	ENDORSED LETTER addressed to Magistrate Judge James L. Cott from Joseph N. Sacca dated 8/23/2011 re: Counsel for the defendants write to inform the Court that they do not intend to respond to "Plaintiffs Request For Re-Visiting In Full Possible Violation Of NY Judiciary 487 By Defendants With Extreme Urgency," unless the Court requests a response. ENDORSEMENT: No response is necessary. This case is closed, as judgment was entered on August 23, 2011. To the extent Plaintiff's application can be construed as a motion for reconsideration, it is denied. (Signed by Magistrate Judge James L. Cott on 8/25/2011) (ft) (Entered: 08/25/2011)
08/30/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>54</u> Notice of Appeal. (tp) (Entered: 08/30/2011)
08/30/2011		Transmission of Notice of Appeal to the District Judge re: <u>54</u> Notice of Appeal. (tp) (Entered: 08/30/2011)
09/01/2011	<u>55</u>	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for <u>54</u> Notice of Appeal filed by Peter Lindner 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (nd). (Entered: 09/01/2011)
09/01/2011		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for <u>54</u> Notice of Appeal filed by Peter Lindner were transmitted to the U.S. Court of Appeals. (tp) (Entered: 09/01/2011)
09/13/2011		USCA Case Number 11-3594 from the US. Court of Appeals, Second Circuit assigned to <u>54</u> Notice of Appeal filed by Peter Lindner. (nd) (Entered: 09/13/2011)